

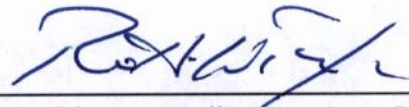


To the Honorable Council
City of Norfolk, Virginia

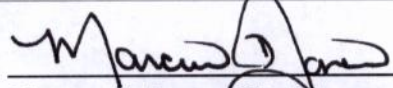
May 12, 2015

From: David Ricks, Director of Public Works

Subject: Encroach into the right of way of a ten-foot alley east of Keller Avenue, with a six-foot tall wooden privacy fence.

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 3/7

Approved: 
Marcus D. Jones, City Manager

Item Number: **R-7**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** **Marjorie L. Robertson**
2706 Keller Avenue
Norfolk, Virginia 23509

III. **Description**
This agenda item is an encroachment to permit Marjorie L Robertson to encroach into the right of way of a ten-foot alley east of Keller Avenue, with a six-foot tall wooden privacy fence at 2706 Keller Avenue.

IV. **Analysis**
An encroachment is an object or structure that infringes into the City of Norfolk's rights-of-way or property. Norfolk City Code, Section 42-10, requires all encroachments into the rights-of-way to be approved by City Council. The encroachment in this location will allow Marjorie L Robertson to erect a privacy fence in a ten-foot alley east of Keller Avenue.

V. **Financial Impact**
Liability insurance has been provided naming the City of Norfolk as additional insured in the amount of \$300,000; therefore, there should be no financial risk to the City. The City of Norfolk did not charge a fee for this encroachment.

VI. **Environmental**
There is no negative environmental impact associated with this action.

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action

The Department of Public Works, the Department of Planning & Community Development, and the City Attorney's Office has reviewed this request for encroachment and offer no objections. Review and approval by the Architectural Review Board and the City Planning Commission is not required.

IX. Coordination/Outreach

This letter has been coordinated with Department of Public Works and the City Attorney's Office.

Supporting Material from the Department of Public Works:

- Ordinance
- Exhibit A (1 sheet)

Form and Correctness Approved: 

By 
Office of the City Attorney


Contents Approved:

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE PERMITTING MARJORIE L. ROBERTSON TO ENCROACH INTO THE RIGHT OF WAY OF A TEN-FOOT ALLEY EAST OF KELLER AVENUE, WITH A SIX-FOOT TALL WOODEN PRIVACY FENCE.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That permission is hereby granted to Marjorie L. Robertson, and her successors and assigns, the owner of certain property located at 2706 Keller Avenue, to encroach into the right of way of a ten-foot (10') alley East of Keller Avenue, with a wooden privacy fence, six feet (6') high, as shown on the physical survey attached hereto as Exhibit A, subject to and contingent upon the following conditions:

(1) That this permission is expressly subject to the right of revocation by the Council and that in the event of such revocation, Marjorie L. Robertson, or her successors and assigns, shall immediately remove the encroaching structure.

(2) That upon the removal of the encroaching structures or any part thereof the authority hereby granted shall cease and terminate.

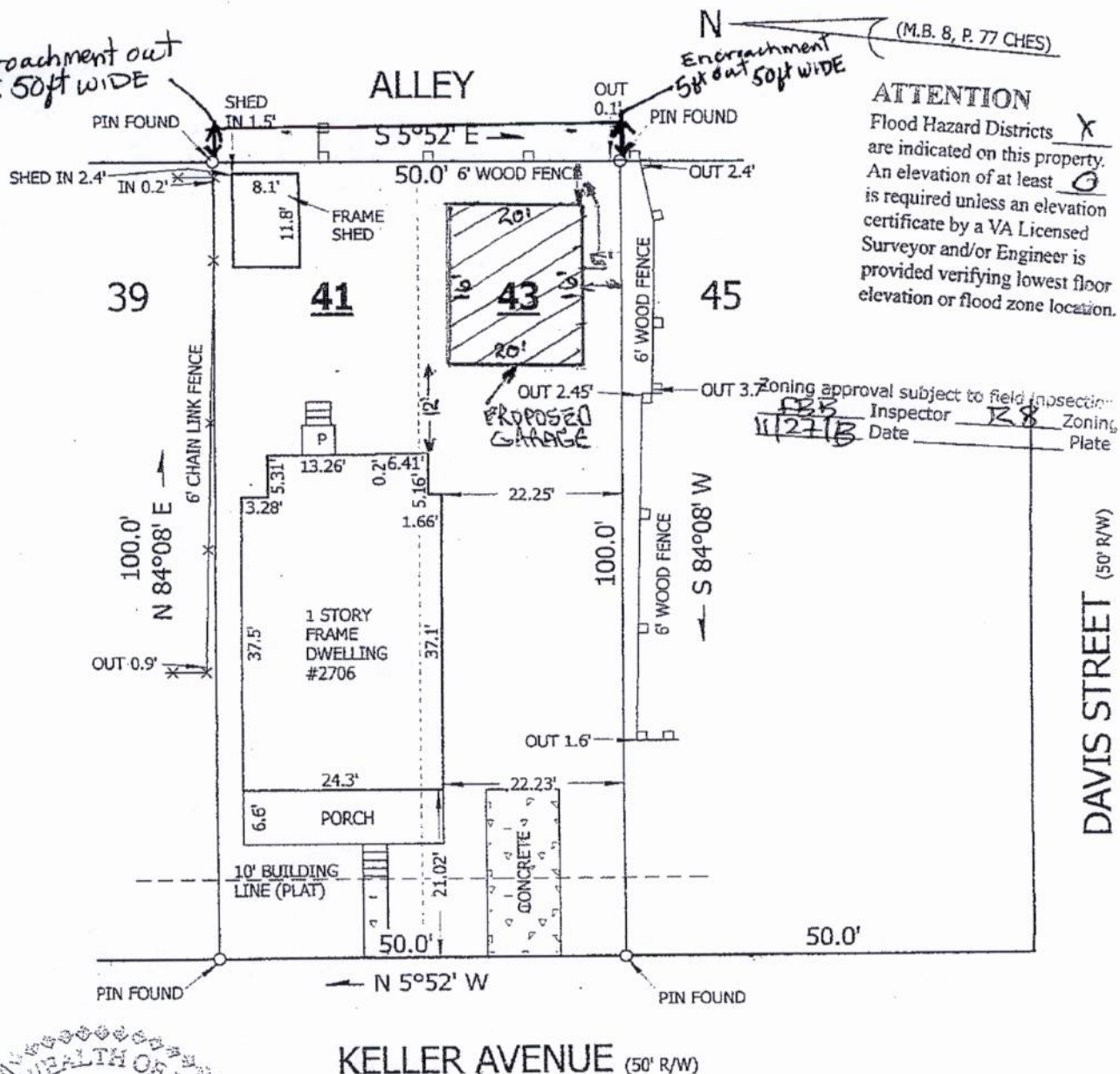
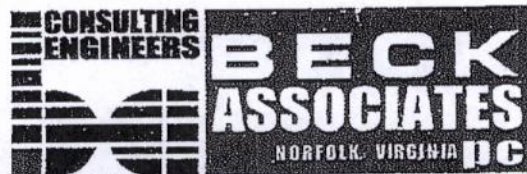
(3) That Marjorie L. Robertson, or her successors and assigns, at their own cost and expense, shall take out and keep in full force and effect public liability insurance in some company authorized to do business in the Commonwealth of Virginia, insuring them and naming the City of Norfolk as an additional insured party in the amount of at least \$300,000.00 against liability from any and all claims, actions and suits that may be asserted or brought against the City of Norfolk and/or Marjorie L. Robertson, and her successors and assigns, for any injury to or death of any person or persons or for any damage to or destruction of property resulting from the installation, maintenance, or existence of said

encroaching structures; that evidence of such insurance shall be filed with the Risk Manager, Department of Finance, of the City of Norfolk.

Section 2:- That the failure of Marjorie L. Robertson, or her successors and assigns, to fully comply with all contingencies set forth herein shall operate as an automatic revocation of the permission granted hereby.

Section 3:- That the use of the said encroaching structure shall be deemed an acceptance by Marjorie L. Robertson and her successors and assigns of all conditions to which the permission herein granted is subject.

Section 4:- That this ordinance shall be in effect from and after its adoption.

Encroachment out
5ft x 50ft wideDEED & TITLE REPORT NOT
FURNISHED BY CLIENTPHYSICAL SURVEY
OFLOTS 41 & 43, BLOCK 13, BALLENTINE
PLACE, SUB-DIVISION NO. 2
(M.B. 8, P. 77 CHES) NORFOLK, VA

FOR

MARJORIE ROBERTSON

SCALE: 1" = 20'

P-211-12437